

### **REMARKS**

Applicants request reconsideration of the present application in view of this Amendment. Claim 49 is canceled by this Amendment. Claims 77 and 78 also are cancelled and their limitations added to claims 39 and 62 to overcome 35 USC 112 rejections. Claims 41, 42, 51 and 66 are amended to clarify claim language to overcome 35 USC 112 rejections.

#### **Claim 39**

Claim 39 recites the step of automatically determining, by a data processing system, which building blocks to include in a subset of the building blocks. The determination is by comparing the first parameter with a predetermined limit value. Measurement of a further parameter is made only on the building blocks of the subset, which are fewer than all of the building blocks measured with the first sensor

The references even in combination do not suggest that the determination step be performed automatically by a data processing system as claimed. The references further do not suggest the claimed predetermined limit value. These points were made in the previous Amendment (in Remarks regarding claims 39 and 78) and were not contradicted in the Office Action. Willson's "particles showing activity" (Example 5, noted in the Office Action) does not suggest the claimed "predetermined limit value" of a parameter. Therefore, claim 39 is patentable over the cited prior art.

#### **Claims 41-45, 47, 48 and 50-61**

Claims 41-45, 47, 48 and 50-61 depend from claim 39. The limitations that they add to claim 39 distinguish them further from the prior art. Therefore, claims 41-45, 47, 48 and 50-61, also, are patentable over the prior art.

#### **Claim 62**

Claim 62 recites a data processing device that selects a subset of building blocks to be measured by the second sensor by comparing the first parameter with a predetermined limit value.

As indicated above, the references, even in combination, do not suggest the claimed data processing device for determining the subset. The references further do not suggest the claimed predetermined limit value. Therefore, claim 62 is patentable over the cited prior art.

**Claims 63-76**

Claims 63-76 depend from claim 62. The limitations that they add to claim 62 distinguish them further from the prior art. Therefore, claims 63-76, also, are patentable over the prior art.

Applicants respectfully submit that the application is now in condition for allowance, and allowance is requested.

Respectfully submitted,

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